

Notice of Allowability

Application No.

09/829,535

Applicant(s)

HSU ET AL.

Examiner

Art Unit

Jason Proctor

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' response and RCE 10/5/2005.
2. ☒ The allowed claim(s) is/are 25-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT AND COMMENT

Comment

In Applicants' response dated 5 October 2005, Applicants' Remarks, page 12, the last paragraph is understood to refer to claims 36-42 as patentable over LIU for similar reasons and for reasons analogous to those expressed regarding claims 26-32. Applicants' representative Mr. Daniel J. Bedell (30,156) has confirmed this interpretation is correct via telephone communication on 30 November 2005.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel J. Bedell (30,156) on 30 November 2005.

The application has been amended as follows:

In claim 28, line 6, the letter "f" has been replaced with the letter – e –.

In claim 28, line 12, the letter "g" has been replaced with the letter – f –.

In claim 30, line 3, the letter "h" has been replaced with the letter – g –.

In claim 30, line 4, the letter "i" has been replaced with the letter – h –.

In claim 31, line 3, the letter “h” has been replaced with the letter – i –.

In claim 31, line 6, the letter “i” has been replaced with the letter – j –.

In claim 31, line 12, the letter “j” has been replaced with the letter – k –.

In claim 32, line 5, the letter “h” has been replaced with the letter – i –.

In claim 33, line 3, the letter “g” has been replaced with the letter – l –.

In claim 33, line 3, the word “first” has been replaced with the word –another–.

In claim 33, line 4, the letter “h” has been replaced with the letter – m –.

In claim 33, line 4, the word “first” has been replaced with the word –another–.

In claim 34, line 3, the letter “i” has been replaced with the letter – n –.

In claim 34, line 4, the letter “j” has been replaced with the letter – o –.

In claim 38, line 5, the letter “f” has been replaced with the letter – e –.

In claim 38, line 11, the letter “g” has been replaced with the letter – f –.

In claim 40, line 3, the letter “h” has been replaced with the letter – g –.

In claim 40, line 4, the letter “i” has been replaced with the letter – h –.

In claim 41, line 3, the letter “j” has been replaced with the letter – i –.

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In claim 41, line 6, the letter "k" has been replaced with the letter - j -.

In claim 41, line 11, the letter "l" has been replaced with the letter - k -.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Proctor whose telephone number is (571) 272-3713. The examiner can normally be reached on 8:30 am-4:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached at (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Proctor
Examiner
Art Unit 2123


Paul L. Rodriguez 12/2/05

Primary Examiner
Art Unit 2125

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